IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 14377 of 2004

Between:

Sadum Siva Kesava Reddy, s/o late Bhimi Reddy,
r/o Mangapalli, Sanajamala Mandal, Kurnool District.

..... PETITIONER

AND

1. The Circle Inspector of Police, Koilkuntla, Kurnool District.
2. The Sub Inspector of Police, Sanjamala (Mandal), Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, directing the respondents not to interfere with the compound wall of the petitioner in Survey No.102-1C an extent of 14 cents with boundaries 102 feet on east side, 101 feet on west side, 75 1/2 feet on north side and 83 feet on south side located in Mangapalli Village of Sanjamala Mandal, Kurnool District.

Counsel for the Petitioner: MR.M.B.THIMMA REDDY

Counsel for the Respondent Nos.1 and 2 : GP FOR HOME

The Court made the following :

ORDER:

The petitioner seeks a writ of Mandamus directing the respondents not to interfere with the compound wall of the petitioner in survey No.102-1c to an extent of Ac.0.14 cents with boundaries 102 feet on eastern side, 101 feet on western side, 75 ½ feet on northern side and 83 feet on southern side situated at Mangapalli village of Sanjamala Mandal, Kurnool District.

In the affidavit filed in support of the writ petition, it is alleged that the respondents 1 and 2, at the instance of the local M.L.A., are insisting that the petitioner should remove the compound wall around the bore well situated in his house and they have been interfering with his possession without following due process of law. It is stated that the petitioner is not an encroacher of the Government land and that he is in occupation of his own land purchased under a valid agreement of sale wherein he has constructed a house and dug a bore well.

On behalf of the respondents, the Sub-Inspector of Police, Sanjamala police station, Kurnool District filed a counter-affidavit denying all the allegations made by the petitioner.

It is further stated that the villagers of Mangampalli village, Sanjamala Mandal, made a representation on 07.08.2004 seeking police action, stating that a bore well was dug under Rural Water Scheme in the village about five years back for public purpose and the petitioner herein encroached the said land on which the borewell was dug by constructing a compound wall and not allowing the public to fetch water from the said bore well and that as there is likelihood of law and order problem in the area, the same was forwarded to the Mandal Revenue Officer, Sanjamala Mandal, and the Mandal Revenue Officer, Sanjamala Mandal has issued notice dated 14.08.2004 to the petitioner to remove the compound wall. The respondents never asked the petitioner to remove the compound wall.

No reply affidavit has been filed on behalf of the petitioner disputing the stand taken by the respondents.

In the light of the unrebutted averments in the counter-affidavit denying the allegations made by the petitioner, no further adjudication is necessary.

Accordingly, recording the statement of the respondents in the counter-affidavit, the writ petition is disposed of. No costs.

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27.10.2004

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To

1. The Circle Inspector of Police, Koilkuntla, Kurnool District.
2. The Sub Inspector of Police, Sanjamala (Mandal), Kurnool District.

3. 2 CCs to the G.P. for Home, High Court Buildings, Hyderabad (OUT).

4. Two C.D. copies.